

Application No: 10/529,358  
Attorney's Docket No: NL 020908

**AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings in Appendix A include changes to Figures 1, 2 and 3. These sheets, which include Figures 1, 2 and 3, replace the original sheets including Figures 1, 2 and 3.

In Figure 1, the legend --(PRIOR ART)-- was inserted.

In Figure 2, the legend --(PRIOR ART)-- was inserted.

In Figure 3, the legend --(PRIOR ART)-- was inserted.

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### REMARKS/ARGUMENTS

Applicant acknowledges receipt of the Office Action dated 12/20/2005. Claims 1-7 were pending in the application and are presented for reconsideration and further examination in view of the following remarks and arguments.

By this Response and Amendment the drawings of Figures 1-3 have been amended to insert the legend --(PRIOR ART)--; the objection to the drawings under 37 C.F.R. § 1.83(a) is traversed; the Specification has been amended to correct typographical errors only; the objection to the Specification related to the sentence at page 5, line 22 is respectfully traversed, and the related required change that would radically alter the meaning of the sentence is declined; the rejection of claims 1-7 under 35 U.S.C. § 112 is traversed; and the rejection of claims 1-7 under 35 U.S.C. § 102 is also respectfully traversed. Claims 1 and 4 have been amended to clarify what Applicants regard as their invention. Claim 7 has been amended to correct a typographical error, namely to reinsert the word --in-- that was mistakenly deleted in the Preliminary Amendment.

#### **Drawings**

The Examiner objected to the drawings of Figures 1-3 for not being designated by a legend such as --Prior Art-- . Appropriate correction is hereby submitted in the replacement sheets of Appendix A, thereby rendering this objection moot.

The Examiner also objected to the drawings under 37 C.F.R. § 183(a) for allegedly not showing every feature of the invention specified in the claims, in particular the feature "controlling a weight associated with an output of each of the at least two parallel filters" as recited in claims 1 and 4. Applicant respectfully traverses this objection and respectfully declines to amend the drawings accordingly.

As one of ordinary skilled in the art will easily understand, and as stated in the Specification of the present application at page 2, lines 14-15: "an amplifier can vary the weight of the filter H with respect to the filter L." That is, only one amplifier is necessary for controlling the weight associated with the output of each of the filters because the weight is a

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measure of the relative importance of the output of each of the filters. In other words, one need to apply a force to only one side of a scale to tip the balance of said scale one way or the other. By way of analogy, in the present invention only one amplifier is necessary to change the respective weight of the output of each of the filters. Applicant therefore submits that the drawings show every feature of the invention specified in the claims. Accordingly, withdrawal of the objection is respectfully requested.

### **Specification**

The Examiner objected to the Specification because of alleged informalities. Applicant thanks the Examiner for pointing out several typographical errors and/or misspelling. Appropriate corrections have been made thereby obviating these objections. However, the Examiner also requested that the sentence at page 5, line 22 be amended by changing "the filters" to --one of the filters--. Applicant respectfully traverses this particular ground of objection and submits that the suggested change would radically alter the meaning of the sentence. As already stated hereinabove in the traversal of the objection to the drawings, the output of the filters is weighted, one with respect to the other, by applying an amplifier to one of the filters. By controlling the gain of said amplifier, one can control the respective weight of each of the filters, i.e. the output of the filters is weighted. Applicant therefore respectfully declines to amend the sentence at page 5, line 22 as suggested by the Examiner, and withdrawal of the objection is respectfully requested.

### **Rejections under 35 U.S.C. § 112**

The Examiner rejected claims 1-7 under 35 U.S.C. § 112, first paragraph, as allegedly not being enabled by the Specification.

Applicant respectfully traverses the rejection.

In the Office Action, the Examiner states that "the specification, while being enabling for controlling a weight associated with one parallel filter, does not reasonably provide enablement for controlling a weight associated with an output of each parallel filter", and in particular that

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the amplifier shown in Fig. 4 is only coupled to the high order filter, and "does not weigh output signals from both parallel filters." Applicant respectfully disagrees and submits that, as already explained hereinabove in the traversal of the objections to the drawings and the specification, and as one of ordinary skilled in the art will easily understand, only one amplifier is necessary for controlling the weight associated with the output of each of the filters because the weight is a measure of the relative importance of the output of each of the filters.

Applicant therefore submits that claims 1-7 comply with the requirements of 35 U.S.C. § 112, first paragraph. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

#### Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1-7 under 35 U.S.C. § 102(b) as being anticipated by US Patent 5,585,801 to Thurston, hereinafter noted "Thurston."

Applicant respectfully traverses the rejection.

The present invention, as claimed in independent claims 1 and 4, is directed to an apparatus and a method for sigma-delta modulation, in which a gain device is used to weigh the output of two parallel filters, and a quantizer is used for quantizing the weighted output of said parallel filters.

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Circ. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant submits that, contrary to the Examiner assertion, Thurston does not teach each and every element set forth in claims 1 and 4. In Particular, Applicant submits that Thurston does not teach "a gain device for controlling a weight associated with an output of each of the at

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least two parallel filters.” What Thurston shows is a **limiting means 7** “provided to prevent the second feedforward path from overloading the main signature loop.” (Col. 5:34-36) Applicant submits that the limiting means shown by Thurston cannot be construed as a gain device. Limiting means 7 does not amplify the output of a filter as in the present invention, but rather prevents a signal from increasing above a given value.

Applicant therefore submits that claims 1 and 4 are not anticipated by the cited art reference. Accordingly, reconsideration and withdrawal of their rejection is respectfully requested.

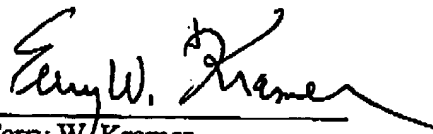
It is submitted that claims 2, 3 and 5-7 are also allowable because they depend from and further limit their base claims, which are allowable over the cited art reference based upon the above arguments. Accordingly, reconsideration and withdrawal of the rejection of claims 2, 3 and 5-7 is also respectfully requested.

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While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,  
KRAMER & AMADO, P.C.



Terry W/Kramer  
Registration No.: 41,541

KRAMER & AMADO, P.C.  
1725 Duke Street, Suite 240  
Alexandria, VA 22314  
Phone: 703-519-9801  
Fax: 703-519-9802

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